

JOHNSON BOTTINI, LLP

Francis A. Bottini (CA 175783)
 frankb@johnsonbottini.com
 Shawn E. Fields (CA 255267)
 shawnf@johnsonbottini.com
 501 West Broadway, Suite 1720
 San Diego, CA 92101
 Telephone: (619) 230-0063
 Facsimile: (619) 238-0622
*Counsel for Plaintiffs Scott Rosendahl and
 Veronica Clark*

DLA PIPER LLP (US)

Christopher M. Young (Bar No. 163319)
 chris.young@dlapiper.com
 Noah A. Katsell (Bar No. 217090)
 noah.katsell@dlapiper.com
 401 "B" Street, Suite 1700
 San Diego, CA 92101
 Telephone: (619) 699-2632
 Facsimile: (619) 764-6632
*Counsel for Defendants Bridgepoint
 Education, Inc., Ashford University &
 University of the Rockies*

CHAPIN FITZGERALD SULLIVAN, LLP

Edward D. Chapin (Bar No. 53287)
 echapin@cfslawfirm.com
 Kenneth M. Fitzgerald (Bar. 142505)
 kfitzgerald@cfslawfirm.com
 550 West "C" Street, Suite 2000
 San Diego, CA 92101
 Telephone: (619) 241-4810
 Facsimile: (619) 955-5318
Counsel for Plaintiff Betty Guzman

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SCOTT ROSENDAHL and VERONICA
 CLARK, on behalf of themselves and all
 others similarly situated,

Plaintiff,

v.

BRIDGEPOINT EDUCATION, INC.,
 ASHFORD UNIVERSITY, and
 UNIVERSITY OF THE ROCKIES,

Defendants.

Case No.: 11CV61 WQH (WVG)

JOINT MOTION TO EXTEND TIME FOR
 DEFENDANTS TO RESPOND TO
 CONSOLIDATED COMPLAINT AND
 PLAINTIFFS' REQUEST TO
 CONSOLIDATE ACTIONS AND APPOINT
 CO-LEAD COUNSEL UNDER FEDERAL
 RULE OF CIVIL PROCEDURE 42

Trial Date: None set

BETTY GUZMAN, on behalf of herself
 and all others similarly situated,

Plaintiff,

v.

BRIDGEPOINT EDUCATION, INC.,
 ASHFORD UNIVERSITY, and
 UNIVERSITY OF THE ROCKIES,

Defendants.

Case No.: 11CV69 W (BGS)

1 In accordance with Federal Rule of Civil Procedure 42, Scott Rosendahl and Veronica
 2 Clark, the plaintiffs in *Rosendahl and Clark v. Bridgepoint Education, Inc., et al.*, S.D. Cal.
 3 Case No. 11CV61 WQHWVG (“Rosendahl”), Betty Guzman, the plaintiff in *Guzman v.*
 4 *Bridgepoint Education, Inc., et al.*, S.D. Cal. Case No. 11CV69 W BGS, on the one hand
 5 (collectively, “Plaintiffs”), and the defendants in both *Rosendahl* and *Guzman*, on the other
 6 hand (collectively, “Defendants”), state, and respectively move this Court, as follows:

7 1. Plaintiffs represent that their respective consumer class action complaints,
 8 *Rosendahl* and *Guzman*, allege, among other things, that Bridgepoint Education, Inc.,
 9 misrepresented to prospective students certain facts about its academic institutions, Ashford
 10 University and University of the Rockies, in order to induce them to enroll at one of these
 11 schools. These alleged misrepresentations included written and oral misrepresentations, as
 12 well as material omissions, regarding the true cost of attendance, the quality of academic
 13 instruction, the schools’ accreditations, students’ post-graduation employability, and students’
 14 obligation to repay federally-subsidized student loans. Both *Rosendahl* and *Guzman* further
 15 allege that Bridgepoint improperly provided incentive payments to “enrollment advisors”
 16 based solely on enrollment quotas, and that Bridgepoint specifically targeted military veterans
 17 for its deceptive enrollment practices. Defendants, although they have not yet responded to the
 18 class action complaints, deny the allegations in *Rosendahl* and *Guzman*.

19 2. The parties have met and conferred in good faith and, in order to avoid
 20 unnecessary duplication of efforts, intend to coordinate management of these consumer class
 21 action cases.

22 3. The parties represent that, because *Rosendahl* and *Guzman* arise from similar
 23 events and assert similar claims against similar defendants, and resolution of these cases
 24 involves common questions of law and fact. *See* Federal Rule of Civil Procedure 42(a).

25 4. Accordingly, Plaintiffs request as follows:

26 a. The *Rosendahl* and *Guzman* actions shall be consolidated for all
 27 purposes under Federal Rule of Civil Procedure 42(a) before the Honorable William Q. Hayes,
 28 in accordance with Local Civil Rule 40.1.h. (the “low-number rule”). This consolidated action

(the “Consolidated Student Consumer Class Action”) shall be referred to as *IN RE: BRIDGEPOINT EDUCATION, INC. CONSUMER CLASS ACTION LITIGATION*, Master File No. 11CV61 WQHWVG.

b. Every document filed in the Consolidated Student Consumer Class Action shall bear the following caption:

IN RE: BRIDGEPOINT EDUCATION, INC. CONSUMER CLASS ACTION LITIGATION

Master File No. 11CV61 WQH (WVG)

This Document Relates To:

Every document shall state in the caption, after the phrase “This Document Relates To,” whether the document is intended to apply to “All Actions” or to any specific related action(s).

c. Other student consumer class actions brought against Bridgepoint Education, Inc. that are filed in or transferred to this District and share common issues of fact and law with the Consolidated Consumer Class Action (a “New Consumer Class Action”) shall be consolidated with the Consolidated Consumer Class Action for all purposes, including pretrial proceedings and trial, and this Joint Motion and Order shall apply thereto, unless: (i) a party to the New Consumer Class Action (including any defendant thereto), objects to such consolidation, as provided herein, within ten (10) days after the date on which a copy of the Order of this Court granting this motion is served on counsel for such party, by filing an application for relief; and (ii) the Court deems it appropriate to grant such application. Counsel for the parties in the Consolidated Consumer Class Action shall, as soon as practicable, call to the attention of the Clerk the filing or transfer of any New Consumer Class Action in this District.

d. Upon being advised by one or more of the parties in the Consolidated Consumer Class Action of such filing or transfer, the Clerk shall file a copy of the Order of this Court granting this motion in the newly-consolidated actions, mail a copy thereof to all parties in the newly-consolidated actions, and make appropriate entries in the Master Docket regarding the consolidation.

1 5. Plaintiffs further request that plaintiffs in *Rosendahl* and *Guzman* be ordered to
2 file a consolidated amended complaint (the "Consolidated Amended Complaint") no later than
3 twenty-one (21) days after the date the Court signs an order approving the matters outlined in
4 this Joint Motion.

5 6. Plaintiffs and Defendants jointly request that this Court issue an Order that
6 Defendants need not file a response to the complaint filed in either *Rosendahl* or *Guzman*, and
7 shall answer, move to stay or dismiss, or otherwise respond, to the Consolidated Amended
8 Complaint until thirty (30) days after Plaintiffs file their Consolidated Amended Complaint.

9 7. In the event that Defendants file and serve any motion directed at the
10 Consolidated Amended Complaint, Plaintiffs and Defendants jointly request that this Court
11 order that Plaintiffs shall file and serve their opposition thirty (30) days after the filing of such
12 motion, and that, if Defendants file and serve a brief in reply to Plaintiffs' opposition, they will
13 do so fifteen (15) days after the filing of Plaintiffs' opposition.

14 8. Plaintiffs request that the Court appoint the law firms of Johnson Bottini, LLP
15 and Chapin Fitzgerald Sullivan, LLP as Co-Lead Counsel for plaintiffs in the Consolidated
16 Consumer Class Action, including all subsequently filed or transferred actions consolidated
17 under this Stipulation and Order.

18 9. Plaintiffs request that Co-Lead Counsel shall have the authority over the
19 following matters relating to the representation of all plaintiffs in the Consolidated Consumer
20 Class Action:

21 (a) directing, coordinating, and supervising the prosecution of plaintiffs'
22 claims in the Consolidated Consumer Class Action, including the drafting and filing of all
23 pleadings, motions, briefs, and other papers on plaintiffs' behalf;

24 (b) initiating and conducting discovery, including coordinating discovery
25 with defendants' counsel, preparing interrogatories, requests for admissions, and requests for
26 production of documents, and directing and coordinating the examination of witnesses in
27 depositions;

28 (c) retaining experts;

- 1 (d) communicating with the Court and defendants' counsel;
- 2 (e) conducting settlement negotiations;
- 3 (f) collecting and reviewing time and expense records from all plaintiffs'
- 4 counsel;
- 5 (g) maintaining communication and promoting efficient and harmonious
- 6 dealings among all plaintiffs' counsel;
- 7 (h) coordinating activities to avoid duplication and inefficiency in the filing,
- 8 serving, and/or implementation of pleadings, other papers, and discovery practice and,
- 9 generally, in the litigation; and
- 10 (i) preparing the Consolidated Consumer Class Action for trial and, if
- 11 necessary, trying the Consolidated Consumer Class Action.

12 10. Plaintiffs request that no motion shall be initiated or filed on behalf of any

13 plaintiff in the Consolidated Consumer Class Action except through Co-Lead Counsel. No

14 request for discovery or other pre-trial or trial proceedings shall be initiated or filed by any

15 plaintiff except through Co-Lead Counsel.

16 Defendants shall serve all papers in the Consolidated Consumer Class Action upon Co-Lead

17 Counsel, and such service shall constitute service of plaintiffs in the Consolidated Consumer

18 Class Action for all purposes. Defendants' counsel may rely upon all agreements made with

19 plaintiffs' Co-Lead Counsel, and such agreements shall be binding upon all plaintiffs in the

20 Consolidated Consumer Class Action.

21 11. Nothing in this stipulation is intended to diminish or waive any rights or other

22 issues not addressed in this stipulation.

23 ////

24 ////

25 ////

26 ////

27 ////

28 ////

1 Dated: February 2, 2011

JOHNSON BOTTINI, LLP
FRANCIS A. BOTTINI, JR
SHAWN E. FIELDS

4 /S/ Francis A. Bottini, Jr.

5 FRANCIS A. BOTTINI, JR

6 501 West Broadway, Suite 1720
7 San Diego, CA 92101
8 Telephone: (619) 230-0063
9 Facsimile: (619) 238-0622
10 *Counsel for Plaintiffs Scott Rosendahl and*
11 *Veronica Clark*

12 Dated: February 2, 2011

CHAPIN FITZGERALD SULLIVAN, LLP
EDWARD D. CHAPIN
KENNETH M. FITZGERALD
CURTIS CARLL
DOUGLAS J. BROWN
JENNIEFER M. CHAPMAN

13 /S/ Edward D. Chapin

14 EDWARD D. CHAPIN

15 550 West "C" Street, Suite 2000
16 San Diego, CA 92101
17 Telephone: (619) 241-4810
18 Facsimile: (619) 955-5318
19 *Counsel for Plaintiff Betty Guzman*

20 Dated: February 2, 2011

DLA PIPER LLP (US)
CHRISTOPHER M. YOUNG
NOAH A. KATSELL

21 /S/ Christopher M. Young

22 CHRISTOPHER M. YOUNG

23 401 "B" Street, Suite 1700
24 San Diego, CA 92101
25 Telephone: (619) 699-2632
26 Facsimile: (619) 764-6632
27 *Counsel for Defendants Bridgepoint Education,*
28 *Inc., Ashford University & University of the*
Rockies

CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is DLA Piper US LLP, 401 B Street, Suite 1700, San Diego, California 92101. On February 2, 2011, I served the within document(s):


JOINT MOTION TO EXTEND TIME FOR DEFENDANTS TO RESPOND TO CONSOLIDATED COMPLAINT AND PLAINTIFFS' REQUEST TO CONSOLIDATE ACTIONS AND APPOINT CO-LEAD COUNSEL UNDER FEDERAL RULE OF CIVIL PROCEDURE 42

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, for delivery via overnight/express service carrier at San Diego, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below on this date before the close of normal business hours.
- ☐ by transmitting via electronic mail a copy of the document(s) listed above in .pdf format, with no transmission errors reported, to the person(s) at the e-mail address(es) denoted on the Electronic Mail notice list.
- ☒ I hereby certify that on the below date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail notice list, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice list.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 2, 2011, at San Diego, California.



Sarah Walter